

**REMARKS/ARGUMENTS**

Claims 1, 3-9, 11-33 and 35-37 are pending. Claims 1, 3-4, 7-9, 11-20, 31-33 and 35-36 have been amended. Claim 2 has been cancelled. No new claims have been added. No new matter has been added.

Claims 22-24 and 29 are withdrawn from further consideration.

Claim 9 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-9, 11-21, 25-28, 30-33, and 35-37 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter.

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structure cooperative relationships of elements.

Claim 9 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structure cooperative relationships of elements.

Claims 11-13 and 27 are rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structure cooperative relationships of elements.

Claim 19 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structure cooperative relationships of elements.

Claim 21 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structure cooperative relationships of elements.

Claim 32 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structure cooperative relationships of elements.

Claim 35 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structure cooperative relationships of elements.

Claim 36 is rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structure cooperative relationships of elements.

The remaining claims are rejected under 35 U.S.C. § 112, second paragraph, as being dependent upon rejected base claims.

Claims 1-9, 11-21, 25, 28, 31, 32, and 35-37 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Weiss, U.S. Patent 6,492,975 B1 ("Weiss") in view of Chou, U.S. Patent 6,559,396 B1 ("Chou").

Claims 26, 27, and 33 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Weiss in view of Chou as applied respectively to claims 6 and 32 above, and further in view of Davis, U.S. Patent 4,196,429 ("Davis").

Claim 30 is rejected under 35 U.S.C. § 103(a), as being unpatentable over Weiss in view of Chou as applied to claim 28 above, and further in view of Kato et al., US 5,837,951 A ("Kato").

Reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Rejection of Claims under 35 U.S.C. § 112, first paragraph

Claim 9 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse.

The Examiner relied on Figures 7 and 8 to reject this claim. Figures 7 and 8 are illustrative embodiments of the claimed motion sensor. However, claim 9 recites "said input device is wireless." Therefore claim 9 is directed to the input device as being wireless and not to the motion sensor, as illustrated in Figures 7 and 8. In fact, the claimed subject matter is disclosed in ¶ [0062] of the instant application, which clearly states "[t]he invention is a mechanical motion sensor...for use in an input device such as a wireless optical mouse..." (emphasis added). Respectfully, the subject matter of claim 9 is clearly disclosed. Since wireless devices are well known in the art, the subject matter of claim 9 is also enabling to one of ordinary skill in the art. Accordingly, Applicants respectfully request that the rejection of claim 9 be withdrawn.

Rejection of Claims under 35 U.S.C. § 112, second paragraph

All claims were rejected under 35 U.S.C. § 112, second paragraph, either as being indefinite for failing to particularly point out and distinctly claim the subject matter, or as being incomplete for omitting essential structure cooperative relationships of elements, or as being dependent upon rejected base claims.

Applicants have made amendments to the corresponding claims. Without conceding the merits of the rejection as applied to the previously presented claims, Applicants respectfully submit that the claims as amended certainly overcome this rejection.

Claims 1 has been amended to recite, in part, "A system for a device, wherein the device includes a printed circuit board, comprising...", to clarify any ambiguity, if any.

Claim 36 has been similarly amended.

In response to the Examiner's rejection of the claims on the term "wake-up", Applicants accordingly have canceled claim 2 and amended claims 3-4, and 7-9.

The Examiner rejected claim 9 as being incomplete. Applicants amended the claim to recite "said input device is a wireless device". When referring to a device as a wireless device, a person of ordinary skill in the art would understand that the device does not need wires to communicate with other devices, in other words, the device functions wirelessly.

Regarding claims 11-13 and 27, Applicants amended the claims to recite "said at least one stationary contact".

Claims 12-18 and 31 were rejected for insufficient antecedent basis, Applicants have amended the claims accordingly.

Claim 19 has been amended to recite, in part, "a plurality of stationary contacts are formed directly on a surface of said printed circuit board of said device", to further refine the relevant element in claim 1.

Claim 20 has been amended to recite, in part, "stationary contacts are wedge-shaped elements arranged about a central point", to refine the shape of the stationary contacts.

Claims 32-33, and 35 have been amended to clearly recite the claim elements.

In view of the above, Applicants respectfully request the withdrawal of the rejection of claims under 35 U.S.C. § 112, second paragraph.

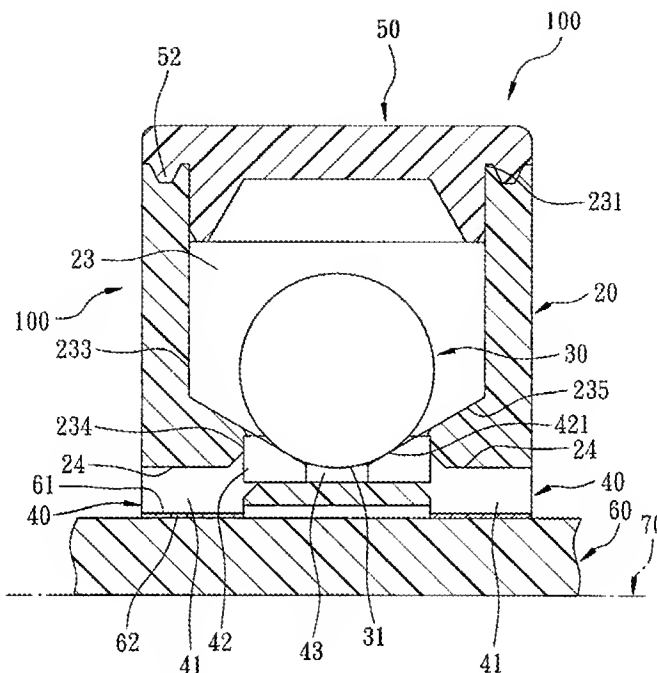
Rejection of Claims under 35 U.S.C. § 103(a)

Independent claims 1, 35 and 36 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Weiss in view of Chou.

Applicants have made amendments to claims 1, 35 and 36. Without conceding the merits of the rejection as applied to the previously presented claims, Applicants respectfully submit that the claims as amended certainly overcome this rejection.

Independent claim 1 substantively recites in part a device having a motion sensor where the motion sensor comprises “a ball contact and at least one stationary contact formed directly on a surface of said printed circuit board of said device” where the ball contact is in electrical contact with the stationary contact.

The Examiner relies on Chou for showing the recited motion sensor, in particular, the tilt switch 100 illustrated in Fig. 7 (reproduced below). Chou’s tilt switch 100 includes a conductive ball 30 and first and second contact terminals 40. Each of the contact terminal 40 further includes a contact body 42 and two terminal portions 41. (Chou, Column 3, Lines 32-38). The Examiner asserts that 40, 41 and 42 in Fig. 7 teach the claimed stationary contacts, and the support 60 is a printed circuit board. (Office Action, pg. 13).



However, Chou does not disclose “at least one stationary contact formed directly on a surface of said printed circuit board” as recited in claim 1 (emphasis added), and similarly in independent claim 35. The cross-sectional view, above, of Chou’s Fig. 7 clearly shows that the first and second contact bodies 42 are not formed directly on a surface of the support 60. The distal ends of terminal portions 41 are superimposed on a copper foil 62. The copper foil 62 in turn is mounted on the upper mount surface 61 of the support 60. (Chou, Fig. 7; Column 4, Lines 1-11). Clearly the copper foil 62 is not a part of the terminal portion 41, nor is it a part of the support 60. Therefore, terminal portions 41 are not directly formed on a surface of the support 60 either.

Applicants note that the Examiner relies on the "entire document, including Column 3, Lines 4-22" to reject claim 11 which recites "said at least one stationary contact is printed on said printed circuit board." (Office Action, pg. 17). After careful review of the entirety of Chou, and in particular, Column 3, Lines 4-22, no support for the Examiner's ground for rejection can be found in the document, including the Examiner's cite to Column 3, Lines 4-22.

Therefore, Chou does not teach or suggest “at least one stationary contact formed directly on a surface of said printed circuit board” as recited in claim 1 and similarly in independent claim 35.

Moreover, Weiss provides no teaching or suggestion that would remedy this deficiency. Thus, the combination of Weiss and Chou does not teach or suggest each and every element of claim 1.

For at least these reasons, claim 1 is patentable over the cited arts.

Claims 35 and 36 recite similar elements. For at least the same reason as set forth for claim 1, claims 35 and 36 are patentable over the cited art.

Claims 3-9, 11-21, 25-28, 30-33 depend directly or indirectly from claim 1 and derive patentability therefrom as well as from additional elements recited therein.

Claim 37 depends from claim 36 and derives patentability therefrom as well as from additional elements recited therein.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/George B. F. Yee/

George B. F. Yee  
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
GBFY:D2L  
61414053 v1